

# Procedures for Legal Notice For Rezoning, Approval, Variance & Special Exception Petitions

## Under The Rules of Procedure of the Metropolitan Development Commission and Metropolitan Board of Zoning Appeals

As a petitioner seeking a rezoning, approval, variance or special exception, you must notify surrounding property owners and other interested parties. The responsibilities and procedures that must be followed are set out in Article V of the Metropolitan Development Commission Rules of Procedure and Article IV of the Metropolitan Board of Zoning Appeals' Rules of Procedure. The procedures for notice are summarized below:

1. The Current Planning staff provides three items:

- a) **'Legal Notice Of Public Hearing'**. This document is two-sided and on white paper for mailing (see paragraph 2).
- b) **On-Site Notice** for posting (see paragraph 3).
- c) **Affidavit of Notice of Public Hearing**. This form is one-sided, on white paper, and is to be returned to the Current Planning office upon completion (see paragraph 4).

Current Planning staff will call or email the Contact Person when these items are ready to be picked up. While every attempt is made to provide these items with plenty of lead-time, there will always be only a short amount of time to pick-up, mail and post the notices in time. Before leaving the Current Planning office, check the legal notice for accuracy.

2. **Legal Notice of Public Hearing** - The staff-prepared notice must be copied (both sides) and mailed by you, the petitioner, by either first class (with or without confirmation), registered, or certified mail at least twenty three (23) days before the hearing date. This **Legal Notice of Public Hearing** must be mailed to the following:

- All property owners of all adjacent parcels of land surrounding the subject property to a depth of two (2) ownerships, but not exceeding 660 feet from the subject property. Such notice shall be given to owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within 660 feet of the perimeter of the subject property described in the petition.
- Registered neighborhood organizations; and
- Affected City-County Councilors.

You must obtain the names and addresses of the adjacent property owners from the applicable Township Assessors' offices. A list of the Registered neighborhood organizations (including Names, addresses and contact persons) as well as affected City-County Councilors will be provided with the **Legal Notice of Public Hearing**.

**Tip:** Obtain property owners names & addresses early (e.g. at the time of filing) and prepare the necessary envelopes.

3. The **On-Site Notice** must be posted in a conspicuous location along each street frontage of the property at least twenty three (23) days before the hearing and remain there until the final hearing of the petition. There is a \$75.00 deposit for each **On-Site Notice** that is used.
4. The **Affidavit of Notice of Public Hearing** must be completed, notarized, and then filed in or mailed to the Current Planning office (Room 1821 of the City-County Building) within three (3) business days after the **Legal Notice Of Public Hearing** was mailed. On the **Affidavit of Notice of Public Hearing**, the names and addresses of all property owners, neighborhood organizations and City-County Councilors to whom you sent notice must listed.

**PLEASE NOTE - If these steps are not followed, the scheduled hearing may be postponed!**